

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JONATHAN GAFFERS, individually, and on
behalf of others similarly situated,

Plaintiffs,

Case No. 16-10128

vs.

Hon. David M. Lawson

KELLY SERVICES, INC.,
a Michigan corporation

Defendant.

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DECLARATION OF MICHELLE TOVAR

I, Michelle Tovar, based on my personal knowledge and pursuant to 28 U.S.C. § 1746,
declare as follows:, declare:

1. I am a Senior Service Specialist for the KellyConnect program for Kelly Services, Inc. ("Kelly"). Since October 2015 I have supervised the Payroll Attendance Coordinators responsible for reviewing and approving payroll for all KellyConnect employees who work in the AppleCare and AOS programs. I have been employed by Kelly since January 2011.

2. I am familiar with the time entry and payroll approval process for KellyConnect employees, and I have personal knowledge regarding the matters described in this declaration.

3. I submit this declaration in support of Kelly's Response In Opposition To Plaintiff's Pre-Discovery Motion For Conditional Class Certification And Court-Supervised Notice Pursuant To 29 U.S.C. § 216(b).

4. Under KellyConnect's timekeeping policies, all non-exempt KellyConnect employees are required to submit their time for approval on a weekly basis to Kelly Web Time. These employees are required to submit their time by 11:59 pm every Sunday.

5. Under KellyConnect's timekeeping policies, all non-exempt KellyConnect employees are required to enter all their time worked. This includes time spent on booting up, logging in, shutting down, logging off, waiting to speak with technical support staff, and speaking with technical support staff.

6. Under KellyConnect's timekeeping policies, non-exempt KellyConnect employees are required to review a report showing the time they logged into and out of various programs. To account for startup and shutdown time, KellyConnect employees are pre-approved for 10 minutes of time per day in addition to the time shown on the report.

7. Under KellyConnect's timekeeping policies, if an employee spent more than 10 minutes on any given day on login and logout, that employee was required to note that excess time when submitting their time for approval. That employee was also required to provide support for the excessively long login or logout time either via a help ticket number, confirmation from their team leader or Supervisor. If they are not able to provide corroboration from above examples we will then ask for a record of a phone call to technical support. Under KellyConnect's

timekeeping policies, if an employee provided such support, the time in excess of 10 minutes spent on login and logout on that given day was to be approved.

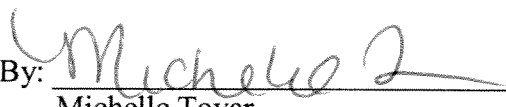
8. Under KellyConnect's timekeeping policies, if an employee called technical support, they were required to enter the time spent calling technical support and include the reference ticket number for that call into Kelly WebTime as time worked. Such an employee was required to provide a help ticket number so that Kelly could confirm that the employee called technical support. Under KellyConnect's timekeeping policies, if an employee provided a help ticket number and a phone record supporting their claim of hold time, their time entry on Kelly WebTime for time spent waiting for and speaking with technical support would be approved.

9. Under KellyConnect's timekeeping policies, if a KellyConnect employee's time entry was disputed, the employee was to be notified of the dispute and given an opportunity to contest the dispute. If the employee claimed that their disputed time was due to excessive login or logout time, or a call to technical support, the employee was required to provide support for the excessive login or logout time or call to technical support via a help ticket number or confirmation from a Team Lead or Supervisor. If the employee could not provide corroboration with either a help ticket number or confirmation from a Team Lead or Supervisor, the employee could provide corroboration with a record of a telephone call to technical support.

10. From time-to-time, individual KellyConnect employees have asked for adjustments to time from prior weeks. In those instances, KellyConnect has adjusted the time as requested if the employee provided corroboration, such as a help ticket number, a record of a phone call, or a corroborating statement from the employee's Team Leader.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: April 22, 2016

By: 
Michelle Tovar